IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:23-cv-00284-MR-WCM

RYAN CRAIG STEVENS,)	
Plaintiff,)	
)	ORDER
v.)	
)	
MONTREAT COLLEGE;)	
PAUL J. MAURER;)	
DANIEL BENNETT;)	
DOROTHEA SHUMAN; and)	
RYAN ZWART,)	
)	
Defendants)	
	.)	

This matter is before the Court *sua sponte* for purposes of a jurisdictional review as well as on a Motion for Extension of Time (the "Motion for Extension," Doc. 2) filed by Montreat College ("Montreat").

On October 6, 2023, Montreat filed a Notice of Removal asserting that this Court has federal subject matter jurisdiction pursuant to 28 U.S.C. §1331. Doc. 1. Montreat's position is based on the claims set forth in an amended complaint. Doc. 1; Doc. 1-8 (the amended complaint).

However, it is not clear whether Plaintiff amended his complaint (before removal) pursuant to the North Carolina Rules of Civil Procedure such that the amended complaint was the operative complaint at the time of removal.

Further, it is not immediately apparent whether the amended complaint presents a federal question pursuant to 28 U.S.C. § 1331.

A court has "an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party." Arbaugh v. Y&H Corp., 546 U.S. 500, 514, 126 S.Ct. 1235, 163 L.Ed. 1097 (2006); see also Ashcroft v. Iqbal, 556 U.S. 662, 671, 129 S.Ct. 1937, 173 L.Ed. 868 (2009) ("Subject-matter jurisdiction cannot be forfeited or waived and should be considered when fairly in doubt.").

Accordingly, the Clerk is respectfully **DIRECTED TO SCHEDULE** a status conference and a hearing on the Motion for Extension. The parties are advised that during those proceedings they should be prepared to discuss the issues referenced above and whether the Court may exercise federal subject matter jurisdiction over this case.

The Motion for Extension (Doc. 2) is **HELD IN ABEYANCE**. Montreat is not required to file an answer or otherwise respond to Plaintiff's claims pending further order of the Court.

It is so ordered.

Signed: October 18, 2023

W. Carleton Metcalf

United States Magistrate Judge

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